

REMARKS

Claims 1, 13, 14, 17, 19, 24, 27-30, 32, 33 and 35 have been amended, without prejudice or disclaimer. No new matter has been introduced. Support for the amended claims and the new claims is found throughout the specification, claims, and drawings as originally filed. Thirty-five (35) claims are pending and remain for consideration. Favorable reconsideration of the pending claims is respectfully requested.

Claim Objection

Claim 24 was objected to because of an informality: namely, in the third line of the claim, the claim language "a passage" should have read "the hole." The claim has been amended accordingly. This amendment was made to correct a minor typographical error. It was not made to avoid prior art or for purposes related to patentability.

35 U.S.C. § 112 (Second Paragraph)

Claim 27 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failure to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner asserts the claim language "the partial annular groove" as recited in claim 27 lacks proper antecedent basis, thereby rendering the claim indefinite. Claim 27 was amended to depend from claim 25, which recites and thus provides proper antecedent basis for the claim language "the partial annular groove" recited in claim 27. This amendment was not made to avoid prior art or for purposes related to patentability.

Other Amendments related to Formalities

Claim 28 has been amended to change the term "into" in line 4 to read "from". This amendment was made to correct a minor typographical error. It was not made to avoid prior art or for purposes related to patentability.

35 U.S.C. § 102

Claims 1-4, 6, 7, 19-22, 24, 33 and 34 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,817,855 to Pratt.

Claims 1, 19, 33 and 35 have been amended to recite "a plurality of latch configurations for latching the assist handle a plurality of fixed positions relative to the bed". Pratt fails to disclose an assist handle having a plurality of latch configurations for latching the assist handle in a plurality of positions. Instead, Pratt discloses a fence and a single latch configuration for latching the fence in a single fixed position. Consequently, claims 1, 19, 33 and 35 are not anticipated by Pratt and thus should be allowable over Pratt as written.

Claims 2-4, 6, 7, 20-22, 24 and 34 depend from claims 1, 19 and 33 and should be allowable for at least the same reason(s) as claims 1, 19 and 33, as set forth above. In addition, Pratt fails to disclose a second member that orbits about a first member or a U-shaped structure, as further recited in claims 2-3 and 20-21, and as required by claims 4 and 22. Hence, claims 2-4 and 20-22 should be patentable in their own right.

Claims 1, 6, 13-16, 19, 29, 33 and 34 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,076,209 to Paul.

Claims 1, 19 and 33 have been amended to recite "a plurality of latch configurations for latching the assist handle a plurality of fixed positions relative to the bed". Paul fails to disclose an assist handle having a plurality of latch configurations for latching the assist handle in a plurality of positions. Instead, Paul discloses a "side rail" and a single latch configuration for latching only a portion of the side rail in a single fixed position. Consequently, claims 1, 19 and 33 are not anticipated by Paul and thus should be allowable over Paul as written.

Claims 6, 13-16, 29 and 34 depend from claims 1, 19 and 33 and should be allowable for at least the same reason(s) as claims 1, 19 and 33, as set forth above. In addition, Paul fails to disclose a bracket as further recited in claim 6, and as required by claim 7-11. Hence, claims 6-11 should be patentable in their own right.

35 U.S.C. § 103

Claims 5 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pratt in view of U.S. Patent No. 3,286,283 to Bertoldo, or alternatively, Paul in view of Bertoldo. This rejection is respectfully traversed.

Claims 5 and 23 depend from claims 1 and 19 and should be allowable for at least the same reason(s) as claims 1 and 19, as set forth above.

Claim 35 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pratt in view of U.S. Patent No. 3,179,957 to Norton. This rejection is respectfully traversed.

Claim 35 depends from claim 33 and should be allowable for at least the same reason(s) as claim 33, as set forth above.

Allowed Subject Matter

Applicants acknowledge that claim 12 has been allowed (as indicated in the prior Office action filed February 24, 2005).

Applicants further acknowledge that claims 8-11, 17, 18, 25, 26, 28 and 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claims will be rewritten if necessary upon final disposition of the pending claims.

Applicants further acknowledge that claim 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims, and will be rewritten, if necessary, in independent form upon final disposition of the pending claims..

Conclusion

In view of the amendments and above remarks, it is believed that the application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.

Telephone Interview

As a final matter, if the Examiner has any suggestions concerning different claim phraseology that, in the opinion of the Examiner, more accurately defines the present invention, prior to issuance of another Office Action, Applicants' attorney requests the courtesy of a telephone interview at the Examiner's earliest convenience to discuss the application. Applicants' attorney may be contacted at (419) 255-5900.